



4. A true and correct copy of the state court record, including a copy of the Complaint filed by Plaintiffs in the referenced matter with the Jefferson County District Court, is attached as Ex. A.
5. This Notice of Removal is filed within the time required by 28 U.S.C. § 1446(b).
6. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, because the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and the action is between citizens of different States.
  - a. This action is between citizens of different states.
    - i. Plaintiffs are citizens of Harris County, Texas. *See* Ex. A2, Complaint at ¶ 1.
    - ii. Resinall is a foreign corporation organized under the laws of the State of Mississippi, and has its principal place of business in Flowood, Rankin County, Mississippi. *See* Ex. C, Resinall Corp. 2021 Corporate Annual Report. Thus, for diversity purposes, Resinall is a citizen of Mississippi. 28 U.S.C. § 1332 (c)(1).
    - iii. Ergon is a foreign corporation organized under the laws of the State of Mississippi, and has its principal place of business in Flowood, Rankin County, Mississippi. *See* Ex. D, Ergon, Inc. 2021 Corporate Annual Report. Thus, for diversity purposes, Ergon is a citizen of Mississippi. 28 U.S.C. § 1332 (c)(1).
    - iv. Ergon Trucking is a foreign corporation organized under the laws of the State of Mississippi, and has its principal place of business in Flowood, Rankin County, Mississippi. *See* Ex. B, Ergon Trucking, Inc. 2021

Corporate Annual Report. Thus, for diversity purposes, Ergon Trucking is a citizen of Mississippi. 28 U.S.C. § 1332 (c)(1).

v. Paddock is a citizen of Purvis, Mississippi. *See* Ex. A2, Complaint at 2, ¶5.

vi. No named Defendant is a citizen of the State of Texas.

b. The amount in controversy exceeds the jurisdictional requirements.<sup>1</sup>

i. As a result of the incident, Plaintiffs allege they suffered unspecified injuries to their bodies; have suffered and will continue to suffer medical care and expenses; physical and mental pain and anguish; physical impairment; disfigurement; and loss of wage earning capacity.

ii. Plaintiffs have alleged in their Complaint that they are suing for a sum in excess of one million dollars (Ex. A2, Complaint at 5 – 6, ¶12)

iii. Plaintiffs Walker and Bowers have both made settlement demands in excess of \$75,000.00.

iv. Plaintiffs Walker and Bowers have both submitted medicals bills to Defendants in excess of \$75,000.00.

7. Copies of this Notice of Removal are being provided to Counsel for Plaintiff and the Clerk of Court in which the referenced state court action was filed. Pursuant to Local Rule 81 Defendants attach the following: List of all parties, attorneys and state court, civil cover sheet, and the index of documents.

---

<sup>1</sup> “Once a defendant is able to show that the amount in controversy exceeds the jurisdictional amount, removal is proper, provided plaintiff has not shown that it is legally certain that his recovery will not exceed the amount stated in the state complaint.” *Wal-Mart Super Ctr. v. Long*, 852 So. 2d 568, 572 (internal citation omitted).

WHEREFORE, Defendants Resinall Corporation, Ergon Trucking, Inc., Ergon, Inc. and Thomas William Paddock, respectfully remove this matter pursuant to 28 U.S.C. § 1441.

Respectfully submitted this the 17<sup>th</sup> day of August, 2021.

RESINALL CORPORATION,  
ERGON TRUCKING, INC.,  
ERGON, INC., AND  
THOMAS WILLIAM PADDOCK

By: /s/Jeffrey W. Hastings  
Jeffrey W. Hastings  
State Bar No. 09209150  
Federal I.D. No. 13481  
Wilson Elser Moskowitz Edelman & Dicker LLP  
909 Fannin Street, Suite 3300  
Houston, TX 77010  
Phone: (713) 353-2000  
Fax: (713) 785-7780  
Jeffrey.Hastings@wilsonelser.com

CERTIFICATE OF SERVICE

I hereby certify that on this date, I delivered a copy of the foregoing by U.S. mail,  
electronic mail or both to the following:

**JOHN K. ZAID & ASSOCIATES**

John K. Zaid  
john@zaidlaw.com  
Ryan E Bill  
ryan@zaidlaw.com  
16951 Feather Craft Lane  
Houston, Texas 77058

**J. D. SILVA & ACCOCIATES, PLLC**

Johnathan D. Silva  
johnathan@jdsilvalaw.com  
9307 Broadway Street, Suite 303  
Pearland, Texas 77584

**ATTORNEYS FOR PLAINTIFF**

Jamie Smith  
District Clerk, Jefferson County, Texas  
1085 Pearl St #203  
Beaumont, Texas 77701

**JEFFERSON COUNTY DISTRICT CLERK**

This the 17<sup>th</sup> day of August, 2021.

By: /s/Jeffrey W. Hastings  
Jeffrey W. Hastings